

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Bail Appl..No. 5402 of 2007()

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AGAINST THE JUDGEMENT/ORDER IN BA.4959/2007 Dated 18/08/2007  
CRMP.3377/2007 of J.M.F.C.,PERUMBAVOOR  
CR.NO.27/07 OF KALADY EXCISE RANGE  
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PETITIONER/ACCUSED

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RATHEESH S/O.KRISHNAN, 25 YEARS,  
MARUTHUMPARA HARIJAN COLONY,  
PERUMATTIL PANCHAYATH, VANDITHAVOLAM,  
CHITTOOR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS: COMPLAINANT

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STATE OF KERALA REPRESENTED BY THE  
KALADY EXCISE RANGE OFFICER, KALADY,  
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF  
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**R.BASANT, J.**

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B.A.No.5402 of 2007  
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Dated this the 10<sup>th</sup> day of September 2007

**O R D E R**

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. The petitioner was allegedly found present in a car in which 525 litres of spirit was allegedly being transported without any valid document. The driver of the car ran away when the officials intercepted the vehicle. The vehicle initially was not stopped. It sped away. After a chase, the vehicle was stopped. It was then that the co-accused successfully took to his heels. The petitioner was apprehended. He remains in custody from 18/7/2007. He raised a contention that he was an innocent passenger who was offered a lift in such vehicle. I have adverted to facts in detail in the order dated 18/8/2007 in B.A.No.4659/2007. That application for bail was dismissed with the observation that the petitioner can move this court for bail again at later stages not prior to 01/09/2007. Accordingly, this petition has been filed later on 04/09/2007.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigating officer is given the full

compliment of sixty days to conduct the investigation and I am satisfied that regular bail can be granted to the petitioner subject to appropriate conditions. Though the learned counsel for the petitioner vehemently reiterates the theory of the petitioner being an innocent passenger in the car, I find absolutely no reason at the moment to accept that defence.

3. In the result, this petition is allowed. The petitioner can now be enlarged on bail on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 17/09/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays, Wednesdays and Fridays for a

period of two months from the date of his release and thereafter as and when directed by the investigating officer in writing to do so.

**(R.BASANT, JUDGE)**

jsr



**R.BASANT, J.**

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007